IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL REVISION APPLICATION NO. 1 OF 2007

M/s Shakti Enterprises,
through its proprietor
Shri Jaime Lazaro, of
about 75 years of age,
r/o H. No. 901, Raia,
Salcete, Goa. ... Applicant

versus

1. Shri Anthony Pereira,
   r/o Wadi, Merces, Ilhas,
   Goa.

2. State
   through Public Prosecutor. ... Respondents

None for the Applicant.

CORAM : N. A. BRITTO, J.

DATE : 31ST JANUARY, 2007.

ORAL ORDER

None present for the applicant.

2. The applicant was convicted and sentenced by the learned J.M.F.C. under Section 138 of the Negotiable Instruments Act, 1881, vide Judgment dated 15-12-2005. The applicant preferred an appeal against the same to the Court of Sessions and the same was disposed of by the learned Assistant Sessions Judge by Judgment/Order dated 29-3-2006. In other words, the appeal filed by the applicant was dismissed. The applicant preferred a revision before this Court being Criminal Revision Application No.23/2006 which was dismissed by Order dated 21-7-2006.

3. On 21-12-2006, an order came to be made that the present petition would be treated as a revision petition against the Order dated 29-3-2006 of the learned Assistant Sessions Judge upholding the Order dated 15-12-2005 of the learned J.M.F.C. convicting and sentencing the applicant. The learned Counsel on behalf of the applicant did not bring to the notice of this Court at the time of passing the said order that the revision petition filed by the applicant was already dismissed by this Court vide Order dated 21-7-2006. The applicant was himself a party to the case decided by this Court and reported in

M/s. Veenus Steel Products v. **Michael Francis Pinheiro**(2005 ALL MR(Cri.) 2753) wherein after considering several Judgments of the Apex Court, this Court held that after a Judgment has been pronounced by the High Court either in exercise of its appellate or revisional jurisdiction, no review or revision can be entertained against that Judgment as there is no provision in the Code which would enable the High Court to review the same or to exercise revisional jurisdiction.

4. The present petition is nothing but an abuse of the process of the Court in the circumstances stated herein above. Consequently, the same shall stand dismissed. The Order dated 11-1-2007 passed in Criminal Miscellaneous Application No.13/2007 shall stand vacated.

N. A. BRITTO, J.

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